



NEWSLETTER

# ISSUE 18

## SEPTEMBER 2015

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### A WORD FROM THE REGISTRAR

It has been pleasing to see a number of recent project announcements in and around Brisbane, one of the highlights being the exciting Queen's Wharf Destination Brisbane redevelopment plans. The project is set to commence in 2017 with many jobs set to be created for engineers.

Some of those engineers may well come from nearby QUT. Late last month the Board announced it was partnering with QUT to support women in engineering. The partnership is an exciting venture for both the Board and QUT, but most importantly it will provide real outcomes for women in engineering.

Registration and legal obligations on engineers was a topic of conversation at this month's 6th International Engineering, Project and Production Management Conference. The Board was the Gold Sponsor for the event co-hosted by Griffith University and looks forward to further engagement with EPPM and Griffith.

Following EPPM I had the pleasure of also attending the 2015 National Association of Women in Construction (NAWIC) Awards recognising women in the construction industry. The Board has been a proud supporter of NAWIC for the last four years and will continue to do so. My thanks to representatives

from Consult Australia, Engineers Australia, IPWEAQ, the Royal Institution of Naval Architects, ClarkeKann Lawyers, the Department of Housing and Public Works and the Office of the Hon. Leeanne Enoch MP who joined myself and Board members Michael Duff and Greg McLean at the awards night.

In other news, the position of Registrar has been advertised. I've thoroughly enjoyed acting in the capacity these last few months and thank the Board, staff and RPEQs for their support.

We hope you enjoy this edition of the e-news. If you have any feedback or require assistance, please contact the Board on 07 3198 0000 or via [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au).

**Gary Stirling**  
Acting Registrar



The planned Destination Brisbane development. Photo courtesy Echo Entertainment.

## DESTINATION BRISBANE

The Echo Entertainment led Destination Brisbane Consortium has been announced as the winning bidder for the Queen's Wharf redevelopment.

The multi-billion project to redevelop the area located between the Brisbane River and George Street and between Alice and Queen Streets will feature new apartment and hotel towers, along with an integrated resort and entertainment complex, restaurants, bars and theatre, a bridge linking Queen's Wharf and South Bank and the centrepiece 'Sky Deck'. Echo will move from the Treasury Building and transform the classical, heritage listed building into a high end shopping precinct. The redevelopment area takes in several other

heritage listed buildings such as the Mansions and the Commissariat Store which will be preserved and incorporated into the overall plans.

Echo estimate 2,000 jobs will be created during the construction phase from 2017 to 2022. The project will provide opportunities for engineers, planners, designers, property and project managers, and various construction jobs including form-workers, electricians and plumbers.



Chairman Dawson Wilkie meets with (left to right) WIE President Erin Thomas, Deryn Vahl Meyer, Assistant Dean, Science and Engineering Faculty and Olivia Hutchinson, GEMS President.

## BOARD ANNOUNCES QUT PARTNERSHIP

Women in engineering will be a key focus area for the Board with the announcement its partnership with the Queensland University of Technology (QUT).

The Board will provide funding over two years for QUT's Women in Engineering (WiE) Alumni Network and the student organisation, Girls in Engineering Making Statements (GEMS).

The announcement of the partnership follows consultation with current female RPEQs to identify areas of need for women in engineering. The focus, according to female RPEQs, must be on women at the outset and mid-point of their careers. The first stage of the partnership will be a networking event for QUT female engineering students, WiE alumni and Board members.

The QUT partnership compliments other initiatives the Board is planning or has actioned to support women in engineering, including the introduction of a new category of registration to Queensland's comprehensive engineering registration system. The RPEQ-non practicing category allows engineers on career breaks, such as maternity leave, to keep their registration current and avoid having to complete the full assessment process once they are ready to return to the workforce.

To find out more contact the Board via [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au).



## CASE NOTES – UNREGISTERED ENGINEER CONVICTED FOR DESIGNING FOOTING AND SLAB SYSTEMS WITHOUT SUPERVISION

Earlier this month, the Magistrates Court of Queensland convicted an unregistered engineer of eight offences against section 115(1) of the *Professional Engineers Act*—carrying out professional engineering services when not an RPEQ. The engineer committed the offences by preparing slab and footing designs for four discrete properties and giving a Form 15 Design Certificate for building Design or Specification for each design.

The Board's involvement in the matter began when it was informed that the engineer had designed the slab and footings for dwellings to be constructed at four discrete properties in South East Queensland, and had given a Form 15 for at least one of those designs. The Form 15 was affixed with the signature of a particular RPEQ, seemingly without that RPEQ's knowledge or consent. The engineer admitted to the Board that he prepared the designs and gave the Form 15, but submitted that he did so under the direct supervision of the RPEQ whose signature was on the Form 15, and that the RPEQ was aware of and provided permission for use of the signature on the Form 15. However, the RPEQ denied any knowledge of the designs, denied providing any sort of supervision, and maintained that his signature was affixed without his knowledge and consent. The Board authorised an investigation.

The Board's investigator found that the engineer did, in fact, prepare each design without the direct supervision of the RPEQ. The investigator also discovered that the engineer gave a Form 15 certification for each design, not just the one known initially. Importantly, the investigator found that the use of the RPEQ's signature was without the RPEQ's knowledge or consent, and the RPEQ did not provide any sort of supervision to the engineer. The investigator found that there was a relationship between the engineer and the RPEQ under which the RPEQ was supposed to be providing direct supervision to the engineer. The investigator found that this occurred towards the beginning of the relationship, but that the engineer became less careful as time progressed and this eventually resulted in the engineer failing to ensure the RPEQ supervised the services under investigation. The designs and Form 15s were therefore given without the RPEQ's involvement, knowledge, or consent. An expert report confirmed to the Board's satisfaction that the carrying out of the designs and the provision of the Form 15s were professional engineering services. Because the engineer was not registered at the time and no direct supervision was provided by the RPEQ or any other

registered engineer, the investigation established eight offences. The Board decided to start proceedings to prosecute each of those offences.

The engineer admitted each offence, but attempted to strike out the Board's prosecution due to a lack of jurisdiction because, the engineer alleged, it had been commenced out of time. After extended legal argument, the Court found in favour of the Board and ruled that the Board's prosecution was commenced within time. The engineer then pleaded guilty to and was convicted of all eight offences.

In deciding the appropriate penalty and costs to impose and whether to record a conviction, the Court considered the following factors:

- The Professional Engineers Act has important public safety measure objectives—one of its main objectives is to protect the public by ensuring that professional engineering services are provided by a registered professional engineer in a professional and competent way.
- It is important that the sentence imposed act as a general deterrent to other persons who might consider committing similar offences.
- It is important that the sentence imposed deter the engineer from committing similar offences again.
- It must be recognised that the public expects that professional engineering services will only be carried out by registered professional engineers who have been assessed by the Board as qualified and competent and fit to practice engineering, or persons under the direct supervision of registered professional engineers.
- The public must be able to rely on the registration scheme set out in the Professional Engineers Act.

Against those factors, the Court considered the following mitigating factors:

- The engineer is of relatively young age.
- The engineer has no prior criminal history, either generally or against the Professional Engineers Act.

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- The engineer and the RPEQ had put in place a supervisory arrangement but the designs and Form 15s in question seem to have “fallen through the cracks” of that arrangement and were not supervised at all. That is, the attempt of the engineer to comply with the supervisory requirements was recognised.
- The designs and Form 15s were of relatively minor import.
- There was no suggestion that the work was incompetent.
- Any penalty imposed should not be crushing.
- The principal of totality should be taken into account because there is a liability for penalty for multiple offences.
- The engineer’s particular circumstances would prevent repayment of a significant penalty.

- The engineer admitted the offences and only challenged the Board on a jurisdictional point.

The Court imposed a penalty of \$7,500 on the engineer and ordered that the engineer pay the Board’s costs of \$17,500. However, having regard to the engineer’s age, lack of previous criminal history, and the nature and circumstances in which the offences were committed, the Court did not record a conviction.

A detailed case note is on the Board’s website.

For more information contact the Board via email at [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au).

*\*The individuals and companies in question have been de-identified. The Board is committed to assisting RPEQs to maintain high standards of professional conduct and competence, maintaining public confidence in the standard of services provided and practice of RPEQs. To this end, the Board releases “case notes” in its monthly e-newsletters to provide practical examples and guidance. The case notes concern investigations the Board had conducted of the conduct of RPEQs and of suspected offences against the Act and subsequent disciplinary/enforcement actions taken.*



The Board’s Legal Officer David Brochie discussing the RPEQ system with a conference delegate.

## BOARD SPONSORS EPPM 2015

The Board of Professional Engineers of Queensland was a proud sponsor of the Engineering, Project and Production Management Association’s (EPPM) 6th International Conference held on the Gold Coast this month. Local, interstate and international researchers, academics, students and professionals in engineering and project management joined together to present and discuss current and emerging issues, the latest research and new developments.

As sponsors of this year’s conference the Board was able to promote registration to engineers working in Queensland or on Queensland based projects and learn more about engineering registration systems in other parts of the world.

Conference highlights included addresses from eminent academic and project management

consultant, Professor Ali Jaafari and from RPEQ and former head of Aurecon’s Integrated Project Delivery Systems Team, Chris Lawson.

For more information on the conference or to join EPPM visit, <http://www.ppml.url.tw/EPPM/association.htm>.



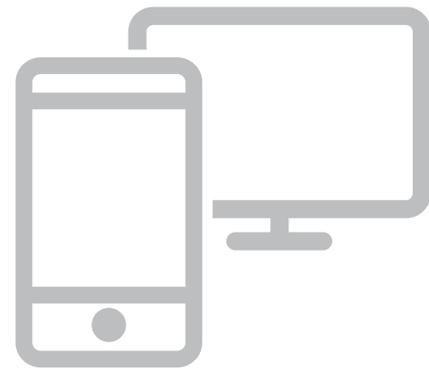
## OUT WITH THE OLD, IN WITH THE NEW (WEBSITE)

The Board has made a big leap into the digital age with the launch of its new look website. The old website has been replaced with an efficient, easy to use product which provides enhanced services for RPEQs and will keep them better engaged with the Board.

The launch of the new website is the culmination of many (sometimes frustrating) hours of work by the Board staff. The website is compatible with smart phones and tablets and will feature more current and useful information such as media releases, events and practice notes.

Going forward the Board plans to make further enhancements to the website, particularly to reduce paperwork and administration.

To check out the new website visit  
<http://www.bpeq.qld.gov.au/>.



## OCTOBER REGIONAL BOARD MEETING

For all RPEQs on the Sunshine Coast, don't forget the Board's upcoming meet and greet at the Novotel Twin Waters at the beginning of October.

All seven Board members, the Acting Registrar, Gary Stirling, and the Senior Legal Officer, David Brothie, will be in attendance at the meet and greet.

Please contact the Executive Assistant at the email address (right) for any queries about the event.

<b>Date</b>	Thursday, 8 October 2015
<b>Time</b>	6:00 pm to 8:00 pm
<b>Venue</b>	Novotel Twin Waters Resort Ocean Dr, Twin Waters QLD
<b>RSVP</b>	to <a href="mailto:executiveassistant@bpeq.qld.gov.au">executiveassistant@bpeq.qld.gov.au</a> by Friday, 25 September 2015

## CONNECT WITH THE BOARD ON LINKEDIN



Don't forget the Board is on LinkedIn. To keep up to date with the latest news and events from the Board or to start a discussion on registration or engineering issues generally, click [FOLLOW](#).

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